MULTIMEDIA UNIVERSITY STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2210)

BLR3084 – LABOUR AND INDUSTRIAL RELATIONS

(All sections / Groups)

7th February 2023
9.00 a.m. – 11.00 a.m.
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This Question paper consists of 2 pages excluding the cover page with 4 Questions only.

2. Attempt ALL **FOUR (4)** questions. All questions carry equal marks and the distribution of the marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

QUESTION 1 (25 MARKS)

Set out the facts and decision in **Wong Chee Hong v Cathay Organisation** (1988).

QUESTION 2 (25 MARKS)

Sharifah works as a cashier with Syarikat Mesra Sdn Bhd. Her employers run a restaurant business. Sharifah's duties include collecting the cash from the cashier's till at the end of the business day and deposit the money in the bank. She then should submit copies of the deposit slips and receipts from the bank to Asiah, her immediate superior.

At the end of January 2023, Asiah discovered that deposit slips and receipts for certain days were missing. Asiah suspects Sharifah of stealing.

Azli, the Managing Director of Syarikat Mesra Sdn Bhd asks your advice on the steps he should take in addressing this problem.

Explain to Azli the following matters:

(a) Definition of misconduct and the types of misconduct.

(8 Marks)

(b) The guidelines that he must follow when dealing with misconduct.

(5 Marks)

(c) S.14 of the Employment Act 1955.

(12 Marks)

QUESTION 3 (25 MARKS)

Mary is employed by Tasty Food as a chef at their restaurant Good Eats. She gets paid a salary of RM 5000.00 a month. Tasty Food contributes to her Employee's Provident Fund (EPF) as well.

Lee Tow Kay, a millionaire appoints Mary to cook for his dinner parties as and when he holds a dinner party. Sometimes she is asked to cook once a month. Sometimes it could be once in three months, depending on Mr. Lee's schedule. She gets paid every time she completes her cooking assignment.

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Tasty Food finds out that Mary has been absent from work due to cooking jobs given to her by Mr. Lee. They dismiss her.

Mr. Lee is upset. Mary had served rotten fish to his guests, causing them to fall ill. He dismisses her as well.

Mary wants to claim wrongful dismissal against both Tasty Food and Lee Tow Kay. Advise her on the nature of contracts she had with Tasty Food and Lee Tow Kay and the importance of her position under the two contracts. Your advice must refer to the concept of workman under the Industrial Relations Act 1967 and decided cases.

QUESTION 4 (25 MARKS)

Set out the facts of the case of **Ketua Pengarah, Pertubuhan Keselamatan Sosial v. Mohd Zaili Ali (2003).** What was the decision of the Court? Explain the reasons of the Court in coming to its decision in this case.

(Total: 100 Marks)

End of Paper